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AUTHOR Edmonds, Ron
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ABSTRACT

In its most simple form, competency means that the student must demonstrate that he knows certain things and that he can do certain things before being passed on to the next level of schooling. In its most politically potent form, competency means that school personnel are judged by how well pupils acquire minimum school skills. In this paper the analysis of competency and of other trends in educational policy proceeds from the assumption that education is political before it is anything else. The politics of decision making determine what the schools must do. Two of the forces that are used to decide which kinds of educational politics are most likely to prevail in policy matters pertaining to competency are the convergence of the evolution of judicial perspective on minimum competencies, and the enormous public clamor for measures of pupil progress. Various court cases involving adequate education, right to treatment, and educational malpractice describe a judiciary that is moving closer and closer to asserting the legal right of all students to certain minimum competencies. (Author/AM)

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Developing Student Competency: Alternative Means and Attendant Problems

Ron Edmonds

Harvard University

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In its most simple form "competency" means that the student must demonstrate that he knows certain things and that he can do certain things before being passed on to the next level of schooling. In its most politically potent form "competency" means that school personnel are judged by how well pupils acquire minimum school skills.

The testing and assessing of student competency is the technical underpinning of the national interest in "competency based education". Such testing has been implemented in eighteen states; fifteen states are considering enabling legislation and scores of school districts have adopted some form of competency assessment. These competency matters are therefore to be reckoned with and I want now to consider what difference they might make and to whom.

The concept of competency in education has neither intrinsic merit nor intrinsic demerit. What is important is how that concept comes to be implemented for that will profoundly influence public policy on educational equity, the distribution of our educational resources, and the quality of teaching and learning for millions of students and teachers.

My analysis of competency and other trends in educational policy proceeds from the assumption that education is political before it is anything else. I do not intend that characterization to be demeaning to either education or politics. I do intend to make the point that most schools do what they think they must. If they think they must teach competency, they will. If they think they needn't, they won't. It is the politics of educational decision-making

that determine what the schools must do. PTA's are political when they demand "more discipline." School boards are political when they demand "a return to the basics" and teacher unions are political when they demand an increase in educational resources if teachers are to do a better job. Some education politics are more effective than others and what I'm going to suggest now are some of the forces that will help decide which kinds of educational politics are most likely to prevail in policy matters pertaining to competency.

In my judgement, the most momentous development in these matters is the convergence of the evolution of judicial perspective on "minimum competencies" coincident with the enormous public clamor for measures of pupil progress that are as tangible as "student competency" seems to be.

Sometime in the not too distant future a court is going to rule that students have a legal right to an "adequate education" and teachers and administrators are going to be legally liable for providing that education. My summary judgement that this is so, proceeds from the following matters of fact.

In finding for the defense in San Antonio Independent School District versus Rodriquez the U.S. Supreme Court observed:

> Apart from the unsettled and disputed question whether the quality of education may be determined by the amount of money expended for it, a sufficient answer to appellee's argument is that at least where wealth is involved the Equal Protection Clause does not require absolute equality or precisely equal advantages. Nor, indeed, in view of the infinite variables affecting the educational process, can any system assure equal quality of education except in the most relative sense. Texas asserts that the Minimum Foundation Program provides an "adequate" education for all children in the State... No proof was offered at trial persuasively discrediting or refuting the State's assertion.

Now ask yourself, how might the court have ruled had plaintiffs offered proof that the "Minimum Foundation Program" does not provide an "adequate education"

for all? I submit to you that sooner or later a suit will work its way to the court and will be argued by counsel for plaintiff on precisely the grounds set forward in the "Rodriquez" decision's acceptance of the state of Texas claim that all children in the state are receiving an "adequate education." When the case that I predict is argued, I suspect that you can see as readily as I can that "adequate education" will be defined as "minimum student competencies."

Many of you probably know that there have been a series of state cases that have established the legal concept of "right to treatment." These cases turn on the proposition that minimally adequate treatment is the quid pro quo of involuntary confinement in a mental health institution.

Writing in the Journal of Law and Education, Merle McClung has noted,

> Just as the right to treatment implies the right to minimally adequate treatment to justify the involuntary commitment, so too the right to education implies the right to minimally adequate education to justify the involuntary confinement.

The "Educational Malpractice" cases lend great weight to the force of McClung's observation. In the most celebrated such case, Peter Doe brought suit against the San Francisco Unified School District alleging entitlement to damages on the grounds of the failure of the San Francisco schools to teach him minimal high school competencies despite his having graduated from a San Francisco high school. Careful reading of the case persuades me that a more sympathetic court in another state, given a case with similar legal theory and analogous matters of fact might have found for the student.

Taken together, these cases, "adequate education"; "right to treatment"; and "educational malpractice" describe a judiciary that is moving closer and closer to asserting the legal right of all students to certain minimum competencies to be got in school. As I have noted, the public discourse on "student competencies" seems to complement these jucicial developments.

Now comes the question under what conditions might student competency

be a reasonable educational reform and under what conditions might student competency be a capricious and destructive change.

First, the bad news. Beginning next June, high school graduates in Palm Beach, Florida will receive two different kinds of awards. Seniors who have passed a test of high school competency will receive a high school diploma. Seniors who have not passed such a test will receive a "Certificate of Attendence". The test is a response to Florida's Educational Accountability Act of 1976 which requires that by 1978-79 all Florida school districts will have competency tests for high school graduation and the tests will measure mastery of basic skills, functional literacy as defined by the state, and completion of the minimum credits required by the local school district. Pretesting of these standards in Palm Beach predicts that among minority students approximately 45% will fail while among white students approximately 8% will fail. We may thus predict that nearly half of the black seniors in Palm Beach will be denied high school diplomas for reasons that have little to do with their own school behaviors. I absolve the students not because I don't believe in student accountability but because in Palm Beach certain conditions prevail that make the competency requirement grotesque in its unfairness. The Palm Beach schools do not claim to teach what the tests measure. The tests were not phased in but are being given to students whose cumulative studies bear no necessary relation to the interests of the tests. The Palm Beach schools assume no responsibility for teaching the competencies but will hold students rigidly accountable for learning the competencies.

We may further predict that these tests will be used to group students in ways that will produce racial separation. You may have inferred by now that Palm Beach is a recently desegregated school district. The summary point is that "competency-based education" can be implemented in ways that

are abusive of student rights and thus a formidable obstacle to educational equity.

It need not be so. In Oregon, for example, there is ample evidence that "competency" need not ride roughshod over the rights of students and the amenities of learning. As in Florida, Oregon high school graduates must also demonstrate competency, but there are significant differences in the two programs.

For the sake of brevity I'm going to turn now to discussion of the standards of equity and accuracy by which any proposed "competency" program can be judged. You may thereafter decide for yourselves the relative merits and demerits of the Florida and Oregon programs, and any others that may be brought to your attention. These standards derive first from my own judgement of these matters and then from my having perused legal discussions prepared by the Harvard Center for Law and Education considering the class import of competency programs. The weight of my remarks is intended to establish that a student competency program that is seriously deficient regarding these standards is probably liable to successful legal challenge by student advocates.

I. Student competency begins with a description of those bodies of knowledge and sets of skills that describe mastery of the level of schooling to be assessed. There must be very substantial parent and citizen participation in describing those competencies if they are to be legitimate. It is especially important that poor and minority parents be represented for otherwise they are denied the opportunity to influence the uses to which the schools are to be put.

II. The tests of student competency should measure what the schools actually teach. There is cause for the gravest concern if it can be shown that the school's instructional purpose is not directed to those bodies of knowledge and sets of skills that describe student competency.

III. The student competencies should be multi-cultural. This means that minorities, when required to demonstrate certain masteries, should be assessed partly on the basis of their familiarity with their own culture. This also means that that minimum familiarity can reasonably be expected of the cultural majority. The absence of this multi-cultural dimension may constitute prima facie evidence of discrimination in the construction and implementation of a competency program.

IV. If the competencies are going to be a prerequisite to graduation or otherwise represent a potential student penalty, then the competencies must be implemented in phases. No student or teacher can properly be judged on student mastery of competencies until the student has had reasonable time to learn the competencies and the teacher has had reasonable time to teach the competencies. In practical terms this means that competencies that are required for high school graduation must be phased in over several years.

V. In school districts that require competency mastery for graduation, student PROGRESS must be assessed early and often. Moreover, students must have more than a single opportunity to demonstrate competency mastery.

VI. The language of the competency program must clearly establish that responsibility for competency mastery is shared by student and school. My major research is intended to demonstrate the easy educability of elementary age children in basic SCHOOL SKILLS independent of pupil family background. My own judgement is that for school purposes family background rises in importance as

the student grows older. This is not time to pursue the topic, but I do want to emphasize that a balance between school and student obligation is a proper object of discussion and even negotiation between all parties to the educational enterprise.